

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

BIENVENIDO CASTILLO,

Defendant.

Case No. 1:90-cr-00469 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

On or about October 28, 1991, Defendant asserts that he was sentenced principally to a term of imprisonment of 363 months by Judge Leval. The Court recently received a letter from Defendant dated September 13, 2024, addressed to the Federal Bureau of Prisons, entitled “Motion Request for *Nunc Pro Tunc* State Designation.” Dkt. 36.

Defendant appears to request that the Court modify his sentence as originally imposed based on a later amendment to the United States Sentencing Guidelines Manual (“Guidelines”) § 5G.1.3 regarding consecutive and concurrent sentences vis-à-vis state charges. *Id.* at 2. Defendant also appears to request that the Bureau of Prisons designate the place of his sentence to be elsewhere pursuant to 18 U.S.C. § 3621. Defendant further states that he does not have a full grasp of the English language and requests counsel to assist him. Dkt. 36 at 1-2.

The Court notes that in an order dated May 13, 2015, Judge Marrero found that Anastasio Pineda Ogando, one of Defendant’s two co-defendants in this action, was eligible for a sentencing reduction, although Judge Marrero denied Anastasio Pineda Ogando’s request for such a reduction. Dkt. 23. Additionally, in an order dated February 23, 2016, Judge Sullivan found that Manuel Pineda Ogando, Defendant’s other co-defendant, was


eligible for a sentencing reduction and granted Manuel Pineda Ogando such a reduction. Dkt. 32.

The Court is unclear of the precise relief that Defendant requests from the Court at this time and, given his co-defendants' motions and the fact that Defendant states that he is in federal custody on a 363-month sentence that was imposed more than 395 months ago, the Court will assume in an abundance of caution that Defendant may be able to present a non-frivolous motion related to his sentence. Dkt. 32.

Accordingly, IT IS HEREBY ORDERED that Federal Defender/CJA counsel in this District is appointed to represent Defendant in connection with this Court's consideration of whether Defendant's sentence should be modified. IT IS FURTHER ORDERED that Defendant's appointed counsel shall make a submission no later than November 12, 2024 regarding the requested relief and appropriate next steps. The Clerk of Court is respectfully directed to mail a copy of this order to Defendant at his address, as stated on page 5 of Dkt. 36.

Dated: October 7, 2024
New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge